

1 RENE L. VALLADARES  
Federal Public Defender  
2 Nevada State Bar No. 11479  
HEIDI A. OJEDA  
3 Assistant Federal Public Defender  
Nevada State Bar No. 12223  
4 411 E. Bonneville Avenue, Suite 250  
Las Vegas, Nevada 89101  
5 (702) 388-6577/Phone  
6 (702) 388-6261/Fax  
Heidi\_Ojeda@fd.org  
7

8 Attorney for Davion Fitzgerald  
9

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,  
13 Plaintiff,  
14 v.  
15 DAVION FITZGERALD,  
16 Defendant.  
17

Case No. 2:17-cr-295-JCM-NJK

**STIPULATION TO CONTINUE**  
**SENTENCING HEARING**  
(First Request)

18 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United  
19 States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the  
20 United States of America, and Rene L. Valladares, Federal Public Defender, and Heidi A.  
21 Ojeda, Assistant Federal Public Defender, counsel for Davion Fitzgerald, that the Sentencing  
22 Hearing currently scheduled on Monday, February 5, 2018 at 10:00am, be vacated and  
23 continued to a date and time convenient to the Court, but no sooner than seven (7) days.

24 This Stipulation is entered into for the following reasons:

25 1. Undersigned will be in trial for *United States v. Hovietz*, 2:16-cr-012-APG-NJK,  
26 during the currently scheduled sentencing hearing.

2. The defendant is in custody and agrees with the need for the continuance.

3. The parties agree to the continuance.

This is the first request for a continuance of the sentencing hearing.

DATED this 29th day of January, 2018.

RENE L. VALLADARES  
Federal Public Defender

DAYLE ELIESON  
United States Attorney

*/s/ Heidi A. Ojeda*  
By \_\_\_\_\_

HEIDI A. OJEDA  
Assistant Federal Public Defender

*/s/ Phillip N. Smith, Jr.*  
By \_\_\_\_\_

PHILLIP N. SMITH, JR.  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 DAVION FITZGERALD,

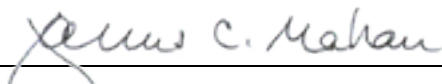
7 Defendant.  
8

Case No. 2:17-cr-295-JCM-NJK

**ORDER**

9  
10 IT IS THEREFORE ORDERED that the Sentencing hearing currently scheduled for  
11 Monday, February 5, 2018 at 10:00 a.m., be vacated and continued to **Tuesday, February**  
12 **20, 2018 at 10:00 a.m.**

13 DATED February 1, 2018.

14  
15   
16 UNITED STATES DISTRICT JUDGE